UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRIMAR SYSTEMS, INC.,

     Plaintiff,

                                                Case No. 01-74081
-vs-   Hon: AVERN COHN

POWERDSINE, LIMITED,

     Defendant,

_____

CHRIMAR SYSTEMS, INC.,

     Plaintiff,

                                                Case No. 06-13936
-vs-   Hon: AVERN COHN

FOUNDRY NETWORKS, INC.,

     Defendant,
_____

CHRIMAR SYSTEMS, INC.,

     Plaintiff,

                                              Case No. 06-13937
-vs-   Hon: AVERN COHN

D-LINK SYSTEMS,

     Defendant.
_____/

APPOINTMENT AND ORDER OF
REFERENCE TO SPECIAL MASTER

These are patent cases. In each case, the patent-in-suit is U.S. Patent No. 5,406,260. In each case, plaintiff asserts the patent-in-suit is infringed by a device manufactured by a defendant. Currently pending before the Court is the first phase of the case, claim interpretation, the Markman proceeding. Because of the complexity of the subject matter it is ordered that:

1.   The Markman proceeding shall be conducted by Robert L. Harmon as Special Master in accordance with Fed. R. Civ. P. 53(c) and (d) to decide upon and recommend in writing the appropriate interpretation of disputed claim terms.[1]

2.   The Special Master shall confer with the parties to arrange a schedule for briefing and other matters.

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[1]Although the Special Master has discretion as to the form of his report, the Court suggests the following:

1.   The claim should be displayed element by element with each element numbered. (See Exhibit A)

2.   The ambiguous words or phrases in an element should be identified.

3.   Each identified word or phrase should be interpreted separately.

4.   Means plus function elements require description of function and identification of structure corresponding to means identified in the specification. The specification language should be identified full text.

5.   In a report and recommendation, each identified word or phrase should be discussed separately. The discussion should include the parties' proposed interpretation followed by the recommended interpretation. The Special Master shall include a chart as shown in Exhibit B as part of his report and recommendation.

6.   For ease of understanding, when a word or phrase in an element is discussed its number should be referenced.

3. Copies of papers filed with the Special Master shall also be filed simultaneously with the Clerk of the Court and served pursuant to applicable federal rules and a copy shall be simultaneously sent to the Court. Forwarding letters or informal communications need not be filed, but should be served on the opposite party.

4. The Special Master may conduct meetings at a location(s) to be agreed upon by the parties and the Special Master. The Special Master may conduct hearings and meetings at a location(s) of the Special Master's choice after consultation with the parties.

5. The Special Master may communicate with the Court ex parte on procedural matters.

6. A petition for review by the Court of the recommendations of the Special Master shall be submitted in writing within ten (10) days of receipt of the Special Master's report. Review of the recommendations of the Special Master by the Court shall be governed by 28 U.S.C. §636(b)(1)(B) and (C).

7. The Special Master may use law clerks or paralegals at his discretion and shall keep detailed records of his time and expenses. The Special Master shall render detailed monthly bills for all fees and expenses at the same rates ordinarily charged clients for his services, and such bills shall be paid promptly as follows: fifty percent (50%) by plaintiff and fifty percent (50%) by defendants. The monthly bills shall be submitted directly to counsel for the parties who shall take responsibility for prompt payment by their respective clients within thirty (30) days.

8. Objections, if any, to this order shall be filed within seven (7) days.

SO ORDERED.

                                        s/Avern Cohn
                                        AVERN COHN
                                        UNITED STATES DISTRICT JUDGE

Dated: June 13, 2007

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, June 13, 2007, by electronic and/or ordinary mail.

                                        s/Julie Owens
                                        Case Manager, (313) 234-5160